

REMARKS/ARGUMENTS

Claims 1 and 18 have been amended, and claim 5 canceled due to redundancy in the last round of amendments. Claims 1, 2, 6, 18, 19 and 22-23 are pending. No new matter is added.

By way of the Office Action mailed October 20, 2003, claims 1, 2, 5-6, 18, 19, 22-23 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Craig et al.* (US 6,286,712) in view of *Mertens* (US 4,768,810). These rejections are respectfully traversed to the extent that they may apply to the presented claims. Applicant submits that the rejection of these claims is now moot, because as amended, none of the art of record, alone or in combination, teaches or suggests the presently claimed invention.

For example, both independent claims 1 and 18 recite at least two clips of fan folded sheets. Each clip is formed from a **[1] same web of material [2] which travels in a length direction of the web of material**. The "length direction of the web of material" was previously recited as the "machine direction" (i.e., defined in the specification throughout, e.g., at page 5, lines 7-9). Pursuant to the suggestion in the last Office Action, since this element of the invention is now positively recited, it must be afforded patentable consideration. This is important to the invention, because it is the length direction orientation relative to the "weakened line wherein the **[2] weakened line is formed in the length direction of the web of material**" and "the plurality of fan folded sheets comprise **[2] fold lines formed in the length direction of the web of material**" that also recite a unique combination of elements not taught or suggested in the art.

The last Office Action, in part, confirms this fact as concerns the fold lines, where it states on page 3, lines 3-7 that, *Craig et al.* "does not show ... and the plurality of fan folded sheets comprise fold lines formed in a machine direction of the sheets." In the discussion of *Mertens* on that same page, the Office Action does not state that *Mertens* shows such "machine direction" fold lines. Thus, this element is completely absent from *Craig et al.* and *Mertens* and no prima facie case of obviousness was made. Now, on page 4 of the Office Action, in a further discussion of *Mertens*, the Office Action states that *Mertens* teaches, "the plurality of fan folded sheets comprises fold lines formed in a machine direction of the sheets as seen in Figure 1 and 2." Because this would be such a clear misstatement of *Mertens* teaching, as concerns the new limitation "length direction of the web of material", it could only be that the Office Action made such statement in light of the explanation at page 5 of the Office Action that "machine direction" was given its "broadest reasonable interpretation" which allowed "machine direction" to be any direction. In fact, since machine direction is now defined as the "length direction of

the web of material", the "machine direction" discussed at page 4 of the Office Action would be perpendicular to the present "length direction of the web of material", and thus the Office Action would support that *Mertens* does not teach the presently recited "length direction of the web of material". As presently recited, "length direction of the web of material" removes any of the ambiguities that may have existed, as well as more clearly distinguishes the teachings of *Craig et al.* and *Mertens*.

Neither *Craig et al.* or *Mertens* make obvious the invention as presently recited, for at least two reasons. First, the stack of fan folded sheets comprises at least two clips, and each clip comprises sheets formed from the same web of material. This is completely contrary to the teaching in *Craig et al.* which only teaches interfolded sheets, where each sheet is an individual sheet formed from a discrete web relative to the webs used to form the other sheets with which it is interfolded. In this regard, see *Craig et al.* at column 1, lines 22-26 and column 2, line 66 to column 3, line 4. There is simply no teaching or possibility within *Craig et al.* which would allow its teaching to be modified to comprise the recited same web of material forming the folded sheets within the clips of fan folded material where each sheet in the clip is connected to an adjacent sheet by a weakened line relationship. To modify the teaching of *Craig et al.* to be contrary to its overall intent, purpose and function, is clearly not permissible under the law when making an obviousness determination. Even if *Mertens* could be properly combined, *Mertens* does not compensate for this deficiencies, as *Mertens* teaches a single stack of perforation connected sheets and not clips that form a stack of sheets. While each adjacent sheet is formed from a same web of material, such is formed into a single stack of sheets. Thus, *Craig et al.* and *Mertens* fail to teach or suggest element [1] of the invention.

Second, as now presented, both the weakened lines and the folds of the sheets in the clips are formed in the length direction of the web of material. *Craig et al.* only teaches interfolded sheets formed into clips. It has no weakened lines, and there is no need for weakened lines since the individual sheets separate from each other by an interfolded relationship. *Mertens* is a single stack of perforation connected sheets, where the fold lines are in what would be perpendicular to now recited the length direction of the web of material. Thus, neither *Craig et al.* nor *Mertens* teach the combined requirements for element [2] of the invention.

In conclusion, the rejection of the claims based on *Craig et al.* in view of *Mertens* is requested to be withdrawn. All of the grounds raised in the outstanding Office Action for rejecting the application are believed to be accommodated, overcome or rendered moot. Thus, it is respectfully submitted that all of the presently presented claims are in form for allowance and such action is requested in due course.

Also submitted at this time is a request for a one month extension of time.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-6854.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I, Dianna M. Rockey, hereby certify that on February 20, 2004 this document is being facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Dianna M. Rockey
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To: NOTE TO FILE NO. 16214A

Date: November 7, 2003

From: Dianna Rockey

Subject: OFFICE ACTION OF 10/20/03

Per phone conversation with Examiner Louis Tran on November 7, 2003, the status of the 10/20/03 Office Action is "non-final", as noted on the Office Action Summary.

Per Examiner Tran, with an apology, he stated that item number 8. THIS ACTION IS MADE FINAL was typed in error on his part. The office action is non-final.